IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Misc. Writ petition No. 383 (S/S) of 2003

Jagpal Singh -------- Petitioner

Versus

State of Uttaranchal through
Principal Secretary, Van Evam
Gram Vikas, Uttaranchal Government
and two others ....
Respondents

Hon'ble P.C. Verma, J.

This writ petition has been filed seeking writ of certiorari to quash the order dated 21.02.2003 and to command the respondents to retire the petitioner at the age of 60 years in view of the notification of the State of Uttaranchal dated 28.02.2003, contained in Annexure No.3 to the writ petition, by which the Government has directed the Registrar, Co-operative Societies not to retire the employees of the Co-operative Societies upto the age of 60 years.

The respondent No.3 has filed a counter affidavit. Sri Gopal Narain, learned counsel for the respondent No.3 submitted that when the petitioner was appointed in Co-operative Cane Union. The Registrar of the Co-operative Cane Union is Cane Commissioner. There is no reference of the Cane Commissioner in the Govt. Order, which has been relied on by the respondents. The Government of Uttaranchal has issued a notification on 28.2.2003 enhancing the age of superannuation of the employees working in the Co-operative Societies from 58 years to 60 years. The argument of the learned counsel for the respondent No.3 is misconceived. The Co-operative Cane Unions are also Co-operative Societies under the Co-operative Societies Act and the Registrar defined

under the Co-operative Societies Act is inclusive in terms which read as under:-

> **"Registrar.-**(1) The State Government may appoint a person to be the Registrar of Co-Operative Societies for the State.
>
> (2) The State Government may, for the purposes of this Act, also appoint other persons to assist the Registrar and by general or special order confer on any such person all or any of the powers of the Registrar.
>
> (3) Where any order has been made under sub-section (2) conferring on any person all or any of the powers of the Registrar under any provision of this Act, such order shall be deemed to confer on him all the powers under that provision as may be amended from time to time."

Therefore, the word **'Registrar'** used in the said notification dated 28.02.2003 will be read including all the Registrars appointed by the Government for all the Co-operative Societies. The restricted meaning as submitted by the learned counsel for the respondent if assigned to the work 'Registrar' used in the Government order issued by the State Government, it will be discriminatory as the age of employees of the Co-operative Societies will be 60 years while the age of employees of other Co-operative Societies like Co-operative Housing Societies, Co-operative Milk Unions and Co-operative Cane Unions will remain only 58 years. Therefore, the argument of Sri Gopal Narain, learned counsel for the respondent No.3 is rejected.

The petition is allowed. Writ of certiorari is issued. The order dated 21.02.2003 is quashed. The respondents are directed not to retire the petitioner on his completion of the age of 58 years as provided in the notification of the State of Uttaranchal dated 28.2.2003. No order as to costs.

(P.C. Verma, J.)

Dt. 25.09.2003

P. Singh